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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,794	02/06/2002	Phillip Hyun	300.257	4493

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EXAMINER

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/066,794	HYUN, PHILLIP
Examiner	Art Unit	
James Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 February 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) Other: \_\_\_\_\_

**DETAILED ACTION*****Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "104" has been used to designate both "client management pool" and "campaign management tool."

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, the following must be shown or the feature(s) canceled from the claim(s); No new matter should be entered:

- "ad run confirmation" of claims 5, 6, 15 and 16 as described in the specification, paragraphs 29 and 30.
- "job order" of claims 7 and 17 must be shown or the feature(s) canceled from the claim(s).
- "media buy confirmation" mobile agents (claims 1, 2, 4, 11, 12, 14, 20 and 22) must be shown or the feature(s) canceled from the claim(s).

Fig. 1, TASKLET 109 is not described in the specifications. Item 109 appears to refer to the TASKLET mentioned in paragraph 26, last sentence.

Figures 2 and 3 are missing reference characters. It is not clear whether some of the items mentioned in the various claims may be found in Fig. 2 and 3.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities:

The claims refer to a third mobile agent (claims 3, 13 and 21), fourth mobile agent (claims 4, 14 and 22), fifth mobile agent (claims 4, 14 and 22), sixth mobile agent (claims 5, 6, and 15) and a seventh mobile agent (claims 6 and 16). However, the specifications describe only a fist mobile agent and a second mobile agent. There is no mention of a third through seventh mobile agent.

Paragraph 38 refers to publications, patents and patent applications that are incorporated by reference. However, applicant does not mention any publications, patents and patent applications in his disclosures.

The use of the trademarks CONSILIENT ADOBE ACROBAT and ZAPLET has been noted in this application (see particularly paragraph 37). The terms should be capitalized wherever they appear and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

***Claim Objections***

Claims 1 and 3 refer to an “advertising campaign” while claims 4, 14 refer to a “media campaign.” For purposes of this examination, the two terms will be treated as synonyms.

Claims 2 and 12 refer to a “buy confirmation.” Claims 1, 4, 11, 14, 20 and 22 refer to a “media buy confirmation.” This appears to be a word processing error. For purposes of this examination, the two terms will be interpreted to refer to “media buy confirmation.”

Claims 3, 13 and 21 refer to a buy authorization. A “buy authorization” is not shown in the figures. The specifications refer to a “buy authorization form.” It is not clear whether the terms “buy authorization” of the claims is intended to include “buy authorization form” of the specifications. For purposes of this examination, the term “buy authorization” will be interpreted to mean “buy authorization form.”

Claims 4, 14 and 22 refer to “client”. Fig. 1 refers to client 101 and to a client machine 103. It is not clear whether applicant uses the term “client” in terms of a client/server architecture, or a “client” as a buyer, customer, etc. For purposes of this examination, “client 101” will be interpreted to mean client as in buyer, customer, etc. The term “client” in “client machine 103” will be interpreted as a client in a client/server environment.

Claims 5, 6, 15 and 16 refer to “**add** run confirmation”. There is no mention of an “**add** run confirmation” in the specifications. This appears to be a typographical error. For purposes of this examination, Examiner will interpret

these claims to refer to an “*ad* [as in advertisement] confirmation” as per paragraph 30.

Claims 5 and 15 refer to an “ad run confirmation” while claims 6 and 16 refers to a “third party ad run confirmation”. For purposes of this examination, “ad run confirmation” will be interpreted to mean “third party ad run confirmation.”

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5, 6, 9, 10, 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 5 and 15 refer to a “postlog entry.” Neither “postlog” nor “entry” is found in the specifications. The item that most closely resembles this limitation appears in paragraph 15, as “post-log,” although there are also references to a “post-spot schedule” in various places in the specifications.

Claims 6 and 16 refer to an “ad run confirmation” which is mentioned in the specification, in paragraph 29 and 30. Other functions are referred to as TASKLETs or mobile agents.

Claim 9 refers to recording a "state" of each mobile agent. The specifications do not contain the word "state" or otherwise refer to this.

Claim 10 refers to reformatting data. There is no mention of reformatting in the specifications. Similarly, the term interface appears only once, in paragraph 36 and is not further explained.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, 7, 8, 13, 14, 17, 18, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 13 and 21 refer to a "first level of detail characterizing said advertising campaign." It is not clear what constitutes "first level of detail."

Claims 4, 14 and 22 recite the limitation "said" in "client." There is insufficient antecedent basis for this limitation in the claim.

Claims 7 and 17 recite the limitation "said" in "job order." There is insufficient antecedent basis for this limitation in the claim.

Claims 8 and 18 refer to an "automatic" retrieval. It is not clear what applicant views as automatic vs. non-automatic.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (US PG-PUB US2002/0069134A1) in view of an article by Greg Farrell published on 15 November 1999 in USA Today, entitled, "Web finally opens door to new ways of buying ad space Sites allow media buyers to bypass salespeople, but some traditions may die hard" hereinafter referred to as "USA Today Article."

Solomon discloses systems, methods and apparatus for managing procurement of goods and services in a distributed environment. The various processes may be executed by using mobile agents. Buyers and sellers may track and continuously register the interaction activity with the agents' home bases (see at least paragraph 284).

Solomon discloses that buyers may request information concerning bundles of services (see at least paragraph 31). The system provides for vendor-side competition and bundling of services. The system permits accepting purchase requests, negotiation processes, modifying job orders and generating purchase authorizations. The system provides for identifying vendors, sending them availability queries and receiving their responses. After a reiterative

process of negotiation, clients may place orders for the services and receive confirmation from the vendors that their orders have been fulfilled.

Solomon *does not* disclose his invention in terms of an advertising campaign. Advertising is a marketing tool and may be used in combination with sales promotions, personal selling and publicity.<sup>1</sup> However, Solomon discloses that his system continually analyzes streams of data in marketing promotion showcase databases (see at least paragraph 2). Solomon also suggests the need of purchasing, sales, marketing and production system to emulate how customers purchase services (see at least paragraphs 7 and 21). Solomon suggests inter-agent analysis of marketing trends and behavior. Within a marketing framework, Solomon discusses the use of detailed information in promotions, time-sensitive offers (see at least paragraph 23). Marketing is the process associated with promoting for sales goods or services, including all aspects of generating or enhancing demand for the product, including advertising and promotion.<sup>2</sup>

The USA Today Article discloses that several companies engage in business methods to sell media space in an advertising mix. The USA Today Article discusses that agencies (applicant's media planner and buyer) submits request for bids for a media plan and that media vendors and outlets that want to contract quote prices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Solomon and the USA Today Article

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<sup>1</sup> Definition of Advertising, BARRON's Business Guides, Dictionary of Business Terms.

to include buying and selling of media services among the types of services suggested by Solomon.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Solomon and the USA Today Article to include buying and selling of media services among the types of services suggested by Solomon for the obvious reason that media services for advertising campaigns may often be bought and sold like other types of services. By automating the plan-negotiate-contract process, businesses can decrease their advertising and marketing expenses and achieve higher levels of performance. In addition, by automating the tracking of media mix, perhaps by advertising campaign, one can compare the effectiveness of campaigns by different parameters.

Market trends and behavior, as disclosed by Solomon, may be analyzed to sharpen the focus of media campaigns that are used by businesses to sell their products. Software such as disclosed by the USA Today Article facilitate these efforts.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peckover, US Patent 6,119,101 in view of an article by Greg Farrell published on 15 November 1999 in USA Today, entitled, "Web finally opens door to new ways of buying ad space Sites allow media buyers to bypass salespeople, but some traditions may die hard" hereinafter referred to as "USA Today Article."

Peckover discloses systems, methods and apparatus for the procurement of goods and services in a distributed environment with the use of intelligent

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<sup>2</sup> Definition of Marketing, BARRON's Business Guides, Dictionary of Business Terms.

agents. Peckover discloses that intelligent (mobile) agents may search for, negotiate and bundle offers and counteroffers among buyers and sellers.

Peckover discloses the use of purchase requests, purchase order fulfillment, and tracking of various aspects of activity. Peckover *does not* specifically disclose his system in an advertising and marketing environment for media mix products.

The USA Today Article discloses that several companies engage in business methods to sell media space in an advertising mix. The USA Today Article discusses that agencies (applicant's media planner and buyer) submits request for bids for a media plan and that media vendors and outlets that want to contract quote prices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Peckover and the USA Today Article to include buying and selling of media services among the types of services suggested by Peckover.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Peckover and the USA Today Article to include buying and selling of media services among the types of services suggested by Peckover for the obvious reason that media services for advertising campaigns may often be bought and sold like other types of services. Using Peckover's intelligent agents with specified life times, one can provide vendors of services with recognizable offers for their offerings. Vendors and buyers of the various components of a media mix may plan their needs according to recognized supply and demand requirements.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- (a) Raymond Joao, Apparatus and Method for Effectuating an Affiliated Marketing Relationship, US PG-PUB US2001/0037205A1 published 1 November 2001, filed 27 January 2001.
- (b) Erik Freed, WO 02/06119-A1, published 17 January 2002, Method and Apparatus for Providing Process-Container Platforms, PCT/US01/21462.
- (c) Erik Freed, WO 02/05106-A1, published 17 January 2002, Method and Apparatus for Providing Process-Container Platforms, PCT/US01/21468.
- (d) Douglas Peckover, US Patent 6,119,101, filed 17 January 1997, issued 12 September 2000, Intelligent Agents for electronic Commerce.

The following references were submitted with the application but were not cited in an Information Disclosure Statement. They are made of record:

- (e) Order Manager: Open for E-Business, Introducing Order Manager -- the Successor to DARE, DDS News, retrieved on 6 May 2002, from the Internet at [http://www.donovandata.com/NewsList/Order\\_Manager\\_Open\\_for\\_E-BusinessE2578](http://www.donovandata.com/NewsList/Order_Manager_Open_for_E-BusinessE2578)
- (f) Media Buyer Solutions, retrieved on 6 May 2002 from the Internet at [http://www.encodasystems.com/solutions/media\\_buyer/media\\_buyers.htm](http://www.encodasystems.com/solutions/media_buyer/media_buyers.htm)
- (g) ZAPLET site map, retrieved on 6 May 2002 from the Internet at [http://www.zaplet.com/search/search\\_map.html](http://www.zaplet.com/search/search_map.html)

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(h) Esther Dyson's Monthly Report, Release 1.0, vol. 18, no. 10, published 22 November 2000, article entitled "Peering into the World of Peer-to-Peer."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

James Zurita  
Patent Examiner  
Art Unit 3625  
March 27, 2003

  
Jeffrey A. Smith  
Primary Examiner